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August 11, 1999

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OFFICE OF THE CHAIRMAN

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

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SEP 09 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: *Ex Parte Filing* in cases WT 99-217; CC 968998 *9/6/98*

Dear Chairman Kennard:

We believe that the proposed rule to allow phone companies to place an unlimited number of lines and antennas on buildings would place the citizens of our community at unnecessary risk and would impede upon the rights of our citizens.

Structural integrity of buildings is of high concern-- especially if several heavy antennas were placed on a roof that was not meant to support such weight with wind and ice loads. Without codes regulating their use, the safety of citizens is at risk. One reason building codes are established is for safety reasons. These codes vary from one area to another based on that areas weather patterns and safety needs. This would also apply in the matter of zoning issues as well and would be best left up to the States, Counties, and City Communities to decide.

Our citizens should have the right to choose whether or not something is attached to or place on their buildings. We should not force our communities, our Landlords, our homeowners to give up those rights. In some instances the Landlords could have over 100 different lines attached to their buildings and possibly 70 or more antennas. What confusion, what a mess, what a hazard...

Also, we want to do what is in the best interest of our community. With this in mind, we feel that the taxes in this area are appropriate and fair to all involved. To pre-empt local avenues, when not necessary, interferes with separation of government and the philosophy of taxation espoused in the Federalist Pages.

Finally, we feel that right of way issues should be left under local control. This is essential for the public's health, safety and welfare. I believe Congress recognized and accepted this concept.

Due to the above reasons, we ask that you not adopt the proposed issue on Preemption of State and Local Zoning and Land Use Restriction on the Siting, Placement and construction of Broadcast Station Transmission Facilities.

Very Sincerely,

Nancy Yendes  
Assistant City Attorney  
Telecommunications Issues

cc: See attached list.

LAW DEPARTMENT

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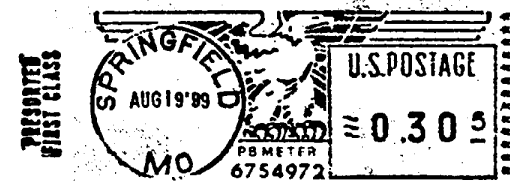
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